

## HISTORICITY AND CONTEXTUALIZATION TO THE PROBLEMS OF MOSLEM AND NON-MOSLEM

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### **Abstract**

*Specifications of this paper are to discuss on the most traditions of the Prophet Muhammad pbuh about problematic social interactions of Moslems and Non-Moslems in the context of history and understanding which are implied inside it. The first is about greeting, congratulations for the great day. Secondly, Non-Moslems enter the mosque. The third is about eating meat of animals which are cut by Non-Moslems. All of these Specifications are often taking place with high intensity between Moslems and Non-Moslems in daily life. The problems of the relationship between Moslems and Non-Moslems are actual to be discussed. The issues are not infrequently to be in confinement the radical attitude of Moslems because of the understanding of religious texts, in this regard is the Qur'an, and hadith textually. The textually understandings of religious texts are combat command, killing, and dicriminating Non-Moslems. While, Non-Moslem communities do not try to learn on both the text histories from source Moslems deeply. Therefore, they have priori attitude towards certain clans. If they, especially for Moslems, are willing to learn aspects of religious texts comprehensively, so that, radical, and hostile attitude of Non-Moslem communities are nothing.*

*Spesifikasi tulisan ini membahas sebagian hadis-hadis Nabi Muhammad saw tentang problematika interaksi sosial Muslim dengan non Muslim dalam konteks sejarah dan pemahaman yang tersirat di dalamnya yang meliputi: pertama, seputar ucapan salam dan selamat hari besar; kedua, non Muslim masuk masjid ketiga, memakan sembelihan non Muslim. Ketiga interaksi ini sering terjadi dengan intensitas yang tinggi antara Muslim dengan non Muslim dalam kehidupan sehari-hari. Problematika hubungan antara Muslim dan non Muslim menjadi fenomena yang aktual. Tak jarang muncul sikap radikal dari kaum Muslim dalam memahami al-Qur'an dan hadis tentang perintah memerangi, membunuh dan mendiskreditkan non Muslim. Sementara di kalangan komunitas non Muslim muncul sikap apriori, karena tidak berusaha menilik lebih jauh teks dalam Alquran dan hadis tersebut.*

**Keywords:** Problem, interaction, greeting and great day, enter the mosque, slaughter, ahl al-kitâb, musyrik

## A. Introduction

Social interactions among humans have diverse aspects. This diversity is about a wide variety of interests among people in order to realize their common life. As social beings, humans need others, regardless of background differences among them. The relationships between Moslems and Non-Moslem are likewise without exception on it. In this case, Non-Moslems are the communities of ahl al-kitâb or musyrik.

Since the beginning, Qur'an has been emplacing the Non-Moslem communities, whom are ahl al-kitâb and musyrik (QS.al-Bayyinah; 1). The People who have adhered to the scriptures before descending of Qur'an are ahl al-kitâb. Allah swt declares that al-kitâb is preceded by the word of ahl, that is the holders of the Torah and the Gospel.<sup>1</sup> Designation of ahl al-kitâb in Qur'an is not less than 31 times,<sup>2</sup> which is identical to the two religious communities. They are the Jews and Christians,<sup>3</sup> without the limitation of personnel, time, and place.<sup>4</sup> Therefore, the characteristic of ahl al-kitâb is ideological ties rather than genetics or periodicity.

There are also restrictions on the community of ahl al-kitâb to Jew and Christian of the descendants of Israel (Ya`qûb)<sup>5</sup>. Imam al-Syafi'i (w. 204 H) says it so.<sup>6</sup> In spite of Jews and Christians, the religious leadres also expand the community scope of ahl al-kitâb. The restrictions are not only limited on above communities. But, it includes others, as Majûsi<sup>7</sup>, Shâbi'în, and others.<sup>8</sup> It is also

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<sup>1</sup>Raghib al-Asfihânî (w. 503 H). *Mu`jam Mufradât al-Fâzh al-Qur`ân*, shown by Nadîm Mar`asyli (Beirut: Dâr al-Fikir, t. th.), p.442.

<sup>2</sup>Muhammad Fuad `Abd Bâqî, *al-Mu`jam al-Mufahras li Alfâzh al-Qur`ân al-Karîm*, (Beirut: Dâr al-Fikr, 1994), p. 95-96.

<sup>3</sup>*Dâirah al-Ma`ârif al-Islamiyyah*, cited to Arabics by Muhammad Tsâbit al-Fandî and friends (Timrân: t.tp, 1933), volume III, p. 106; Muhammad Rawâs Qal`ajî and Hamid Shadiq Qanîbî, *Mu`jam Luqah al-Fuqahâ`* (Beirut: Dâr al-Nafâis, 1985, printed I), p. 95; *Ensiklopedi Islam*, (Jakarta: PT Ichtiar Baru Van Hoeve, 1994), volume I, p. 77.

<sup>4</sup> Abû Ja'far; Muhammad bin Jarîr al-Thabarî (w. 310 H), *Tafsîr al-Thabarî*, (Beirut: Dâr al-Fikr, 1405 H), juz VI, p. 102; M. Quraish Shihab, *Wawasan al-Quran*, (Bandung: Mizan, 1996), p. 368.

<sup>5</sup> Israel has the Prophet of Ya`qub as. Because he had walked at night and rest during the day to escape from conflict with his brother; that is `Ish. Naming of Israel is also associated with derivative habit of Ya`qûb who had walked at night. It is like the exodus of Jews in the time of the Prophet of Musa as. See: `Iz al-Dîn`Ali bin Muhammad; Ibn al-Atsîr (w. 630 H), *al-Kâmil fî al-Târikh*, (Beirut: Dâr Shâdr, 1979), volume I, p. 126-127, 187.

<sup>6</sup>Al-Thabari, *Tafsîr al-Thabari*, juz VI, p. 101.

<sup>7</sup> Majûsi was Persian, which refered to religion of Majûsi. They believed about two gods. God *Ahuramazda* (goodness) was symbolized by light. And, God *Ahriman*

possible the development ahl al-kitâb for a few decades after the Prophet of Muhammad pbuh. Abu `Âliyah (w. 93 H)<sup>9</sup> has said that the people of Shâbi`in include the community of ahl al-kitâb who are reading Zabûr.<sup>10</sup> In the case of ahl al-kitâb, the terminology of Abduh (w. 1905 BC) describes Buddhists, Hindus, idolaters of India, and China.<sup>11</sup> Then, it was grown on coverage of ahl al-kitâb.

In this writing, the writer tends to quote the opinion of the majority of religious leaders that limit ahl al-kitâb for Jews and Christians who were caused by the interpretation of many verses in Qur'an. And, based on Hadith texts, ahl al-kitâb indicates the two communities. Moreover, it looks at some sabab nuzûl relates with these two communities.

In this case, the writer concentrates on the fact that Moslems, in the time of the Prophet of Muhammad pbuh, did move to Ethiopia (Habasyah/Abessinia). Ethiopia has the majority of Christians, while they are not the house of Israel.<sup>12</sup> The meaning is that ahl al-kitâb is not just limited to

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(malignancy) was symbolized by fire. Both of these Gods were mortal enemies until the end of time. This religion has sects which are quite a lot, but the most famous leaders are Zoroaster (الزرادشتية) and Zaradasyt (± 600 BC). The word of Majûsi is repeated in Qur'an in the context of Majûsi adherents. See: `Abd Bâqî, *al-Mu`jam al-Mufahras...*, p. 661. It is also called *al-Dîn al-Akbar* or *al-Millah al-'Udzmâ*. Beside of Zoroaster sect, it has *al-tsanwiyyah* (الثنوية), *al-Zawâniyyah* (الزوانية), *al-Maskhiyyah* (المسخية) and others. Zoroaster still has other sects. See: al-Jahnî, *al-Mausû'ah...*, volume II, p. 1149; Syaûqî Abû Khalîl, *Athlas al-Qur'ân; Amâkin, Aqwâm, A'lâm*, (Beirut: Dâr al-Fikr, 2003), p. 145; Muhammad Farîd Wajdî, *Dâ'irah al-Ma`ârif al-Qarn al-'Isyrîn*, (Beirut: Dâr al-Fikr, t.th), volume VIII, p. 446, 448-452.

<sup>8</sup> Al-Fandî, *Dâirah al-Ma`ârif...*, p. 107-108; *Ensiklopedi Islam*, volume 1, p. 77.

<sup>9</sup> Abu `Âliyah al-Riyâhî; Rufai' bin Mihrân, the *mufasssir*. He was there at the time of Prophet Muhammad pbuh, but he was converted to Islam during Abû Bakar (w. 13 H). He was a narrator of *tsiqah*. See: Ahmad bin `Ali; Ibn Hajar al-Asqalânî (773-852 H), *Tahdzîb al-Tahdzîb*, (Beirut: Dâr al-Fikr, 1995), juz III, p. 110-111; Ibn `Imâd, *Syadzârât...*, volume I, p. 189.

<sup>10</sup> al-Thabarî, *Tafsîr al-Thabari*, juz I, p. 320.

<sup>11</sup> As quoted by: Quraish, *Wawasan al-Qur'an*, p. 367-368.

<sup>12</sup> Habasyah is the people from various races in South Arabia. The area is inhabited by `Arabia `Arîbah from qabilah *Jurhum*, *Hîmyar* and *Kahlân*. There is still debate to the origins of the nation of Habasyah, included in the grove of ancient Arabic or not, but, it is not Israeli descent, even it was not from the prophet of Ismâ'il who was the father of Arabia *muta`arribah*, that was the family of Sâm bin Nuh, Arabia father, Rum and Persian. See: Ibn al-Atsîr, *al-Kâmil...*, volume I, p. 78-81, 94; `Abd Karîm Muḥammad al-Sam`ânî (w. 562 H), *al-Ansâb*, (Beirut: Dâr al-Kutub al-'Ilmiyyah, 1998), volume II, p. 203; *Ensiklopedi Islam*, volume 1, p. 30, 154; Abû Khalîl, *Athlas*

the house of Israel. In addition to strategic reasons, the Prophet of Muhammad pbuh does not recognize to Najâsyi related to this event. Ahl al-kitâb did so. Emotionally and history, they was closer to Moslems when they are compared with other authorities.

Similarly, the letter of the Prophet of Muhammad pbuh to Heraklius in Roman (Christian) was different from the letter which was sent to kisra Persian. It did not call that Heraklius converted to Islam and would get reward doubled on it. Meanwhile, it was called it so.<sup>13</sup> This fact is reinforced by hadith of the Prophet of Muhammad pbuh. Three groups which would get reward doubled are in the following. One of them is ahl al-kitâb which has his Prophet and also has the Prophet of Muhammad pbuh.<sup>14</sup> This explanation describes that the people of Majûsi did not include to ahl al-kitâb. Thus, the people of Shabi'în, Buddhism, Hinduism and other religions are also not included to ahl al-kitâb. In the subsequent discussion, ahl al-kitâb is specific to the adherents of Judaism and Christianity.

Unlike the community of musyrik, since the time of the Prophet Muhammad pbuh, musyrik is identical with the heathen or people who have a lot of Gods. It is also called musyrik for any one who adore statues, idols, other creatures and even other natural objects. Based on the context of the community of Christians, Ibnu 'Umar (w. 74 H) has opinion that Christians are musyrik. Christians have the concept of their trinity (تثليث). But, Ibnu 'Umar's opinion is rejected by the majority of companions and religious leaders.<sup>15</sup> Thus, it is clear that the mapping is between Non-Moslems from the community of ahl al-kitâb and Non-Moslems from the community of musyrik.

The interaction between Moslems and Non-Moslems, whether the community of ahl al-kitâb or musyrik often arises in wrong tension and too textual in understanding the messages or religious postulate. The writer is trying to discuss the most problematic relationships between Moslems and Non-Moslems in the social context related with salam (greeting) and congratulations on great days to Non-Moslems; Non-Moslems who visit and go to a place of worship of the Moslems that is the mosques; and the slaughters of Non-

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*Târîkh al-'Arabi al-Islamî*, (Beirut: Dâr al-Fikr al-Mu'âshir, 2002), p. 4; Jurji Zaidân, *al-'Arab Qabl al-Islâm*, (Cairo: Dâr al-Hilâl, t. th), p. 124-126 (including foot note), p. 146.

<sup>13</sup> Ibn al-Atsîr, *al-Kâmil...*, volume I, p. 212-213.

<sup>14</sup> See: Muḥammad bin Ismail al-Bukhârî (192-256 H), *Shahîḥ al-Bukhârî bi Ḥâsyiah al-Sindî*, (Beirut: Dâr al-Fikr, 1994), *Kitâb al-'Ilm, bâb Ta'lim al-Rajul Amatahu wa Ahlahu*, juz I, p. 34 (no. 97).

<sup>15</sup> Abû 'Abdillâh Muḥammad bin Aḥmad al-Qurthubî (w. 671 H), *al-Jâmi' li Ahkâm al-Qur'ân / Tafsir al-Qurthubi*, (Cairo: Dâr Sya'ab, 1372 H), juz III, p. 67-68.

Moslems which are often to be problems for Moslems who want to consume it. The study of this writing is trying to describe the historical background of hadiths related to the cases. Thus, the cases of hadiths are understood contextually with the social interaction of Moslems and Non-Moslems.

Contextual understanding of traditions has been beginning with the following steps: (1) vocabularies analysis, (2) Hadith historical contexts by learning the social conditions in the past, (3) exploring the relationship of the universal messages in hadiths to be applied, (4) present contexts regarding to the relationship Moslems and Non-Moslems.

## B. Salam and Congratulations on Great Days to Non-Moslems

Salam is one of the reverence forms and prayer between Moslems and Non-Moslems in the cases of how to greet and answer. Hadith has the specific rules to Non-Moslems who give Salam and how to answer them. For example, the history of al-Bukhârî from `Aisyah:

حَدَّثَنَا سُلَيْمَانُ بْنُ حَرْبٍ حَدَّثَنَا حَمَّادٌ عَنْ أَيُّوبَ عَنْ ابْنِ أَبِي مُلَيْكَةَ عَنْ عَائِشَةَ رَضِيَ اللَّهُ عَنْهَا أَنَّ الْيَهُودَ دَخَلُوا عَلَى النَّبِيِّ صَلَّى اللَّهُ عَلَيْهِ وَسَلَّمَ فَقَالُوا السَّامُ عَلَيْكَ فَلَعَنَتْهُمْ فَقَالَ مَا لَكَ قُلْتَ أَوَلَمْ تَسْمَعْ مَا قَالُوا قَالَ فَلَمْ تَسْمَعِي مَا قُلْتُ وَعَلَيْكُمْ<sup>16</sup>

“Actually, Jews was visiting the Prophet of Muhammad pbuh, then, they said: ‘al-Sâm (death) for you’, so I (`Aisyah) gave curses to them. But, the Prophet of Muhammad pbuh declared: ‘What are you doing? Then, I replied that if you do not hear what they say? They replied if you do not hear what I replied too? And, you are all (so)’”.

Some matan show that the act of `Aisyah as the Prophet of Muhammad pbuh advised with the word of *إِنَّ اللَّهَ يُحِبُّ الرَّفْقَ فِي الْأَمْرِ كُلِّهِ*<sup>17</sup> or with the

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<sup>16</sup>Muhammad bin Ismâ`il al-Bukhârî (194-256 H), *Shahîh al-Bukhârî bi Hâsyiah al-Sindî* (Beirut: Dâr al-Fikr, 1994) *Kitâb al-Jihâd wa al-Sair, bâb al-Du`â `ala al-Musyrikîn*..., juz II, p. 187 (no. 2935). See: Muhammad bin Yazîd al-Qizwînî; Ibn Mâjah, *Sunan Ibn Mâjah*, edited by Shidqî Jamîl al-`Athhâr (Beirut: Dâr al-Fikr, 2004), *Kitâb al-Adab, bâb Rad al-Salâm `ala Ahl al-Dzimmah*, juz II, p. 402 (no. 3698) with matan which summary of the path of Masrûq (w. 63 H) from `Aisyah.

<sup>17</sup>al-Bukhârî, *Shahîh*..., *Kitâb al-Adab, bâb al-Rifq fî al-Amr Kullihî*, juz IV, p. 64 (no. 6024). Using `Urwah bin Zubair (w. 94 H). Also see: al-Bukhârî, *Shahîh*..., juz IV, p. 65 (no. 6030); Muslim bin Hajjâj al-Qusyairî (w. 261 H), *Shahîh Muslim* (Beirut: Dâr al-Fikr, 1993), *Kitâb al-Salâm, bâb al-Nahyi `an Ibtidâ` Ahl al-Kitâb bi al-Salâm*..., volume II, p. 345 (no. 2165); Abû `Isâ Muhammad bin `Isâ bin Sûrah al-Turmudzî (w. 279 H), *Sunan al-Turmudzî*, included by Shidqî Jamîl al-`Athhâr (Beirut: Dâr al-Fikr, 2003), *Kitâb al-Isti`dzân wa al-Âdâb, bâb mâ Jâa` fî Taslîm `ala Ahl al-Dzimmah*, juz IV, p. 321-322 (no. 2710); Ahmad bin Hanbal (w. 241 H), *al-Musnad*

word of *عَائِشَةُ لَا تَكُونِي فَاحِشَةً* like the history of Ibn Hanbal.<sup>18</sup> The word of *السَّام* means something that is passed, and used to death. Because, death is something that is passed but here means death and destruction for the fact.<sup>19</sup> The Jewish reproach is replied by 'Aisyah redundantly. Therefore, the Prophet of Muhammad pbuh advised 'Aisyah in order to do as the meaning of words of *الرفق*,<sup>20</sup> or do not say *فاحشة* from *فحش* which the meaning is adding something from the truth, in this case is said gross.<sup>21</sup>

With the same meaning, hadith describes salam to Non-Moslems that is Jewish. It also sources from several friends like Ibn 'Umar ra,<sup>22</sup> Anas bin Mâlik dan Jâbir. The history sources from Anas, which reveal more clearly. The reaction is not only from 'Aisyah, but it is also from other friends as *قالوا*

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*Alîmad*, (Beirut: Dâr al-Fikr, t.th), *min Musnad 'Aisyah*, volume VI, p. 37, 199. The history through Ibn Abî Mulaikah and 'Urwah bin Zubair, but, all of them came from 'Aisyah. The history met *sanad* of hadith from 'Aisyah above.

<sup>18</sup> Ibn Hanbal, *Musnad...*, *min Musnad 'Aisyah*, volume VI, p. 229. Through Masrûq from 'Aisyah. It means that all hadiths came from 'Aisyah through any way.

<sup>19</sup> Mahmûd bin 'Umar al-Zamakhsharî (w. 536 H), *al-Fâ'iq fî Gharîb al-Ḥadîths* (Beirut: Dâr al-Fikr, 1993), volume II, p. 144; Majd al-Dîn Mubârak bin Muḥammad; Ibn al-Atsîr (w. 606 H), *al-Nihâyah fî Gharîb al-Ḥadîths wa Atsar*, (Beirut: Dâr al-Fikr, t.th), juz II, p. 426; Muḥammad bin Mukarram; Ibn Manzhûr (w. 711 H), *Lisân al-'Arab*, (Beirut: Dar Shâdr, cet I, t.th) volume XII, p. 314.

<sup>20</sup> Ibn al-Atsîr, *al-Nihâyah...*, juz II, p. 246; Ibn Manzhûr, *Lisân...*, volume X, p. 118.

<sup>21</sup> al-Zamakhsharî, *al-Fâ'iq...*, volume II, p. 144; Ibn al-Atsîr, *al-Nihâyah...*, juz III, p. 415; Ibn Manzhûr, *Lisân...*, volume VI, p. 325.

<sup>22</sup> al-Bukhârî, *Shahîḥ...*, *Kitâb al-Istî'dzân, bâb kaifa Yuraddu 'ala Ahl al-Dzimmah al-Salâm*, juz IV, p. 105 (no. 6257). Also see: Muslim, *Shahîḥ...*, *Kitâb al-Salâm, bâb al-Nahy 'an Ibtidâ' Ahl al-Kitâb bi al-Salâm...*, volume II, p. 344 (no. 2164); Sulaimân bin Asy'ats al-Sijistânî; Abû Dâud (w.275 H), *Sunan Abî Dâud*, edited by Shidqî Jamâl al-'Aththâr (Beirut: Dâr al-Fikr, 2003), *Kitâb al-Adab, bâb fî al-Salâm 'ala Ahl al-Dzimmah*, juz IV, p. 392-393 (no. 5206); al-Turmudzî, *Sunan...*, *Kitâb al-Sair, bâb mâ Jâ'a fî al-taslîm 'ala Ahl al-Kitâb*, juz III, p. 222 (no. 1609); Mâlik bin Anas al-Ashbâhî (w.179 H), *Muwatthâ Mâlik bi Riwayah al-Laitsi* (Beirut: Dâr al-Fikir, 2005), *Kitâb al-Salâm, bâb mâ Jâ'a fî al-Salâm 'ala al-Yahûdiyyi...*, p. 583 (no. 1790); Abû Muḥammad 'Abdullah bin Bahrâmal-Dârimî (w. 255 H), *Sunan al-Dârimî* (Beirut: Dâr al-Fikir, 2005), *Kitâb al-Istî'dzân, bâb fî Radd al-Salâm 'ala Ahl al-Kitâb*, juz II, p. 190 (no. 2631); Ibn Hanbal, *Musnad...*, *min Musnad Ibni 'Umar*, volume II, p. 9, 19, 58. The religious leader history was through by any way, as: (1) al-Bukhârî and al-Dârimî through Mâlik, the history of al-Bukhârî also through Sufyân al-Tsauri; (2) Ibn Hanbal through al-Tsauri and Ibn 'Uyaynah; (3) Moslem and al-Turmudzî through Isma'il bin Ja'far bin Abî Katsîr (w. 180 H) and (4) Abû Dâud through 'Abd 'Azîz bin Muslim (w. 167 H). Al-Tsauri, Ibn 'Uyaynah, Isma'il, 'Abd Azîz, and Mâlik received directly from 'Abdullah bin Dînar. All *sanad* of the hadiths mean as Ibn 'Umar bermuara from 'Abdullah bin Dinar (w. 127 H) and from Ibn 'Umar.

يَا رَسُولَ اللَّهِ أَلَا نَقْتُلُهُ قَالَ لَا إِذَا سَلَّمَ عَلَيْكُمْ أَهْلَ الْكِتَابِ فَقُولُوا وَعَلَيْكُمْ<sup>23</sup> The history of Anas also revealed the existence of some sort of question and answer between the Prophet of Muhammad pbuh and companions before answering salam from Jewish, but finally it was given to Prophet of Muhammad pbuh. It was also mentioned that these events are as *sabab al-nuzûl* in QS. al-Mujâdalah: 8, as *Sunan al-Turmudzî*.<sup>24</sup> In *Musnad Ibn Hanbal*, histories that still come from Anas also have a plan on the companion reaction by imprisoning way to Jews for the requested clarification, and realized by Jews that they did not say salam and just said *فَأَخَذَ الْيَهُودِيُّ فُجِيءَ بِهِ السَّامَ* like the understanding on *matan* *فَاعْتَرَفَ*.<sup>25</sup>

The history which came from Jâbir, shows that the request of moslems to Jews was granted, and the Jews request to Moslems was rejected as *وَأَنَا نُجَابُ*<sup>26</sup>. Because Moslems is tyrannized by Jews. Although there are some histories on this, but all of these traditions contain complementary information on how to answer salam from Non-Moslems, especially for ahl al-kitâb. Simultaneously. It supports the meaning of the hadith of al-Bukhârî from `Âisyah above.

If the above hadith with different versions focus to ahl al-kitâb, the pronunciation of salâm and Moslems are guided in similar answer. Other Hadiths contain prohibition for Moslems to begin greeting to the believers of

<sup>23</sup> See: al-Bukhârî, *Shahîh* ..., *Kitâb Istitâbah al-Murtaddîn, bâb idzâ `Arradha al-Dzimmiyyu*..., juz IV, p. 227 (no. 6926). Also see: Muslim, *Shahîh*..., *Kitâb al-Salâm, bâb al-Nahyi `an Ibtidâ` Ahl al-Kitâb bi al-Salâm*..., volume II, p. 344 (no. 2163); Abû Dâud, *Sunan*..., *Kitâb al-Adab, bâb fî al-Salâm `ala Ahl al-Dzimmah*, juz IV, p. 393 (no. 5207) Ibn Mâjah, *Sunan*..., *Kitâb al-Adab, bâb Rad al-Salâm `ala Ahl al-Dzimmah*, juz II, p. 402 (no. 3697); Ibn Hanbal, *Musnad*..., *min Musnad Anas bin Mâlik*, volume III, p. 140. The history of al-Bukhârî through Hisyâm bin Zaid bin Anas (w. ± 140-150 H), The history of Moslem is from `Ubaidillah bin Abî Bakar bin Anas (w. ± 115-125 H), meanwhile Abû Dâud, Ibn Mâjah and Ibn Hanbal through Qatâdah. The history came from Anas bin Mâlik from any way.

<sup>24</sup> See: al-Turmudzî, *Sunan*..., *Kitâb al-Tafsîr, min Tafsîr QS. al-Mujâdalah*, juz V, p. 197 (no. 3312). Through Qatâdah from Anas.

<sup>25</sup> See: Ibn Hanbal, *Musnad*..., *min Musnad Anas bin Mâlik*, volume III, p. 192, 214. Through Qatâdah from Anas. *Sanad* of hadith on it came from Anas through any way.

<sup>26</sup> See: Muslim, *Shahîh*..., *Kitâb al-Salâm, bâb al-nahyi `an Ibtidâ` Ahl al-Kitâb bi al-Salâm*, (no. 2166); Ibn Hanbal, *Musnad*..., *min Musnad Jâbir bin `Abdillah*, volume III, p. 383. *Sanad* of hadith in the history of Moslem met with the history of Ibn Hanbal on Ibn Juraij; `Abd Mâlik bin `Abd `Azîz (w. 150 H) from Abû Zubair; Muḥammad bin Muslim bin Tadrus (w. 126 H) from Jâbir.

ahl al-kitâb like fragment of this hadith *وَلَا النَّصَارَىٰ بِالسَّلَامِ* inside of the history of Moslem from Abû Hurairah.<sup>27</sup>

From the existing history of this hadith,<sup>28</sup> Ibn Hanbal is the only one man who hands down *تَبَدُّوا*<sup>29</sup> at the first matan to replace the word of *تَبَدُّوا* in the history of Moslem above and other histories. However, these words have one meaning that is starting.<sup>30</sup> Thus, the history of Moslem is also commanding Moslems in order to exhort Non-Moslems to say a piece of hadith *فَإِذَا لَقِيتُمْ أَهْلَ الْبَلَدِ فَأَعْلَمُوهُمْ فِي طَرِيقِ فَاضْطَرُّوهُ إِلَىٰ أَضْيَقِهِ* on the way. The terminology of *اضْطَرَّ* comes from *ضَرَّ* (ضَرَر). It means enforce, like people who is forced to hold buying and selling or forced to do something and so on, so called *المضطر*.<sup>32</sup> It describes that ahl al-kitâb seems to have narrow places, even on the way.

From this, the above hadith seems contradictive to the previous hadith. The meaning is that the simple reply of salam for ahl al-kitâb is *وعليكم*. This reply could be negative and positive in meaning but Moslems do not intend to criticize or condemn Non-Moslems. Because Moslems are commanded to reply *وعليكم*. The aim of replying *وعليكم*, Moslems are good and also getting the good reply from Non-Moslems and vice versa. The last point is relevant with QS.al-Nahâ:126.

Based on hadith, the simple reply of salam for ahl al-kitâb was negative precisely. The reason is that Jews said the ruin for the Prophet of Muhammad pbuh that was *السَّام* and not *السَّلَام*.<sup>33</sup> The historical context can be interpreted in accordance with the existing context of the present and the future. But even so, the Prophet of Muhammad pbuh still took it gently.

<sup>27</sup> Moslem, *Shahîh*..., *Kitâb al-Salâm, bâb al-Nahyi 'an Ibtidâ' Ahl al-Kitâb bi al-Salâm*..., volume II, p. 345-346 (no. 2167).

<sup>28</sup> See: Abû Dâud, *Sunan*..., *Kitâb al-Adab, bâb fî al-Salâm 'ala Ahl al-Dzimmah*, juz IV, p. 392 (no. 5205); al-Turmudzî, *Sunan*..., *Kitâb al-Sair, bâb mâ Jâ' fî al-Taslîm 'ala Ahl al-Kitâb*, juz III, h. 222 (no. 1608); Ibn Hanbal, *Musnad*..., *min Musnad Abî Hurairah*, printed II, p. 266. Their *Sanad* met *sanad* of Moslem history hadith above to Suhail bin Abî Shalih (w.138 H) from Abi Shalih and from Abû Hurairah.

<sup>29</sup> Ibn Hanbal, *Musnad*..., *min Musnad Abî Hurairah*, printed II, p. 266.

<sup>30</sup> Ahmad bin Fâris bin Zakariyya (w. 390 H), *Mu`jam Maqâyis al-Lughah* (Beirut: Dâr al-Jail, 1991), printed I, p. 212; Ibrâhîm Anîsdkk, *Mu`jam al-Wasîth* (Cairo: tp, t.th, printed II), juz I, p. 42.

<sup>31</sup> Muslim, *Shahîh*..., *Kitâb al-Salâm, bâb al-Nahyi 'an Ibtidâ' Ahl al-Kitâb bi al-Salâm*..., printed II, p. 345-346 (no. 2167).

<sup>32</sup> Ibn al-Atsîr, *al-Nihâyah*..., juz III, p. 81-83.

<sup>33</sup> al-Bukhârî, *Shahîh* ..., juz II, p. 187 (no. 2935); Ibrâhîm al-Dimasyqî (1120 H), *al-Bayân wa al-Ta`rîf fî Asbâb al-Wurûd al-Hadîts* (Beirut: Dâr al-Ma`rifah, 2003), juz I, p. 195.



Related with salam reply of Non-Moslems, the religious leaders and Mazhab al-Syafi'i forbid Moslems to say salam to Non-Moslems. If Non-Moslems said salam, Moslems are just to reply **وعليكم** to them. Most of syâfi'iyyah quote the opinion of Ibn 'Abbâs, who permit Moslems to say and reply salam to Non-Moslems but they just asks to say **وعليكم** or **السلام** as quoted from al-Mâwardî (w. 450 H). Al-Mâwardî contains hadith in general proposition that ask to convey and spread salam. Meanwhile, some religious leaders hedge it to ahl al-kitâb because of the opinions of al-Alqamah (w. 62 H) and Nakha'î (w. 96 H). But even so, other religious leaders do also agree to reply salam from ahl al-kitâb, even they ask it as obligation. Therefore, those opinions emerge the disagreements for the communities of Non- ahl al-kitâb<sup>34</sup> up to now.

The disagreements above are caused the understanding of the hadiths textually, especially the prohibition for ahl al-kitâb. The religious leaders who are allowing to reply salam from ahl al-kitâb mean that they are understanding the hadiths wholly. In spite of all these, Jews' purposes are basically insult, abuse, accident, death, and a reproach to the Prophet of Muhammad pbuh.<sup>35</sup>

Contextually, the meaning is that if Jews say salam but their purposes are insult, abuse, accident, death, and a reproach to the Prophet of Muhammad pbuh; so Moslems are forbidden (haram) to reply. Likewise, if Jews say greeting but they have not purposes, namely insult, abuse, accident, death, and a reproach to the Prophet of Muhammad pbuh, Moslems are not forbidden to reply. The example is saying **السلام** in sharîḥ whether in office, village, and others. Because the greeting of Jews was **السَّام** in the past.

Historically, the Prophet of Muhammad pbuh had written the letter to Negus (Najâsyî) by using the expressions **أنت سلم** or **أنتسلام**<sup>36</sup>. Negus (Najâsyî)

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<sup>34</sup> Complementary in Description, see: Abû Zakariyya Yahya bin Syaraf al-Dînal-Nawawî (w. 676 H.), *Shahîḥ Muslim bi Syarḥ al-Nawawî* (Beirut: Dâr al-Fikr, 2000), volume VII, vol. XIV, p. 121-122; Aḥmad bin Ali al-Asqalânî; Ibn Hajar (w. 852 H). *Fath al-Bâri bi Syarḥ Shahîḥ al-Bukhârî* (Beirut: Dar al-Fikr, 2000), juz XII, p. 309, 312-313; Jamâl bin Muḥammad, *Irsyâd Ūlil al-Bâb ilâ ma Shahha min Mu'âmalah Ahl al-Kitâb* (Riyâdh: Dâr al-Mi'râj, 1993), p. 87-94.

<sup>35</sup> An explanation of the reasons which replenish the answer of *salam* with words **وعليكم** or **عليكم** to ahl al-kitâb, See: al-Nawawî, *Syarḥ al-Nawawî...*, volume VII, vol. XIV, p. 121; Ibn Hajar, *Fath...*, juz XII, p. 310, 312; Jamâl, *Irsyâd Ūlil al-Bâb...*, h. 93-94; Tim Penulis Paramadina, *Fiqih Lintas Agama* (Jakarta: Paramadina, 2004), h. 69-70.

<sup>36</sup> See: Muḥammad bin Jarîr al-Thabarî (w. 310 H), *Târîkh al-Thabarî*, (Beirut: Dâr al-Kutub al-'Ilmiyyah, 1407 H), juz I, p. 131-132; Ismail bin 'Umar al-Dimasyqi;

was the king of Christian Ethiopia. The Prophet of Muhammad pbuh also did not write the letter to other Christian kings or the king of Non-ahl al-kitâb, as kisra Persian. The letter of the Prophet of Muhammad pbuh were started by using the expression of *السلام على من اتبع الهدى*.<sup>37</sup> Preferential treatment of the Prophet to Najâsyî, besides he had given asylum to Moslems who immigrated to Ethiopia, Najâsyî also has a relation which was good with the Prophet of Muhammad pbuh, even the King embraced Islam.<sup>38</sup>

The Prophet of Muhammad pbuh has sent his letter to Najâsyî by using salâm. Najâsyî died in 9 H, or before Fath Makkah. Najâsyî converted Islam with Ja'far bin Abî Thâlib ra, because Ja'far went back to Madinah in 7 H some time after Khaibar was conquered.<sup>39</sup> Based on some histories, the letters of the Prophet were about the end of 6 up to 9 H.<sup>40</sup>

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Ibn Katsîr (w. 774 H), *al-Bidâyah wa al-Nihâyah*, (Beirut: Maktabah al-Ma'ârif, t.th), juz III, p. 83. *Sanad* hadith is about the letter of the Prohet of Muhammad pbuh to Najasyi. It is *munqathi*, Ibn Ishâq through 'Amar bin Umayyah from the Prophet of Muhammad pbuh.

<sup>37</sup>Letter of the Prophet of Muhammad pbuh is for the King of Christian as the King of Roman, namely: Ghassan, Muqauqis and others. And, non *ahl al-kitâb* as Kisra Persian, King Yamâmah and King Oman, see: al-Thabarî, *Târîkh...*, juz II, p. 131; 'Iz al-Dîn 'Ali bin Muḥammad; Ibn al-Atsîr II (w. 630 H), *al-Kâmil fî al-Târîkh* (Beirut: Dâr Shâdr, 1979), printed II, p. 210-213; Ibn Katsîr, *al-Bidâyah...*, juz IV, p. 268; Ibn Hajar, *Fath...*, juz VIII, p. 471-472; Ahmad bin Zaini Dahllân (w. 1304 H), *al-Sîrah al-Nabawîyyah*, (Beirut: Dâr Ihya Turats 'Arabi, 1994), juz II, p. 195-211.

<sup>38</sup>The Prophet of Muhammad pbuh has sent a handkerchief to Najâsyî through Ja'far ibn Abi Talib. Najâsyî also has sent *salam* to the Prophet of Muhammad pbuh. More than it, for The Prophet of Muhammad pbuh, he was to be marriage guardian for Ummu Ḥabîbah. For futher explanation, see: Abû 'Abdillah Muḥammad bin Sa'ad al-Bashri al-Zuhri (w. 230 H), *Thabaqât al-Kubrâ* (Beirut: Dâr al-Shâdir, t. th), juz I, p. 207, 258-259, 457, juz IV, p. 248, juz VIII, p. 97-99, 234; al-Thabarî, *Târîkh...*, juz I, p. 553; Ibn al-Atsîr II, *al-Kâmil...*, printed II, p. 213; Ibn Hajar, *Fath...*, juz VIII, p. 266-267, 472-473. Najâsyî has an original name that is Ashamah bin Abḥar al-Najâsyî, see: Ibn Hajar, *al-Ishâbah fî Tamyîz al-Ṣaḥâbah*, quoted by 'Ali Muḥammad al-Bujâwi (Beirut: Dâr al-Jail, printed I, 1992), juz I, p. 205.

<sup>39</sup>Khaibar is 4 *bard* (± 48-336 km) from Madinah. It has 7 solid fortresses with a variety of plants and palm. The word of Khaibar comes from Ibrânî that is *berarti* fortress. See: Yâqût bin 'Abdullah al-Ḥamawî (w. 626 H), *Mu'jam al-Buldân*, (Beirut: Dâr al-Fikir, t.th), juz II, p. 409. 4 *bard* are 48-336 km. 1 *bard* is 1 mil. 1 mil is 1000 m (1 km) as the calculation of Dutch. 1 mil is 1690 m (1,6 km) in England, while ± 7420 m (7,42 km) in Germany. See: Lois Ma'luf, *al-Munjidfî al-Lughah*, (Beirut: Dâr al-Masyriq, 1977), p. 33; Depdikbud, *Kamus Besar Bahasa Indonesia*, (Jakarta: Balai Pustaka, 2002), p. 743.

<sup>40</sup>For futher explanation, see: Muḥammad 'Abd Mâlik al-Ma'âfirî; Ibn Hisyâm

When the Prophet of Muhammad pbuh sent his letter, Najâsyî was Christian but even so excited with Islam. That was why the Prophet of Muhammad pbuh used salâm to Najâsyî at the beginning of his letter. But, the Prophet did not use salâm to other Non-Moslems generally.

Based on the above analysis, nowadays, Moslems are allowed to say salâm to Non-Moslems who have not considered Moslems as the enemy as interpreted in QS. Al-Mumtahana:8. The controversy about the pronunciation regards to salâm, Moslems must analyze it from all aspects, especially as QS. Al-Mumtahana:8 and hadiths. Some hadiths are also explaining the harsh treatment of Non-Moslems.<sup>41</sup> Nowadays, the expression of *فَاضْطَرُّوهُ إِلَى أَضْيَقِهِ* that has the meaning of "...then insist them (ahl kitab) at the narrowest point of the road" remains Moslems to apply it everyday both Moslems and Non-Moslems.

MUI and some religious leaders in Indonesia tend to forbid Muslims to say Christmas for Christians. Because they assume that the pronunciation for Christmas means justifies the Christian doctrine, especially concerning the divinity of 'Îsâ al-Masîh as. Christians have confidence that 'Isa al-Masih as is sacred. Instead, Basically, Christmas Pronunciation can obscure Aqeedah for a Muslim.<sup>42</sup>

On the other sides, some religious leaders also grant Moslems to say Christmas for Christian. The reason is that: (1) QS. Maryam:33: *وَالسَّلَامُ عَلَيَّ يَوْمَ وُلِدْتُ وَيَوْمَ أَمُوتُ وَيَوْمَ أُبْعَثُ حَيًّا*. QS. Maryam:33 does confirm that the Prophet of 'Îsâ has commanded to say congratulation when he was born, died, and his coming. Basically, the pronunciation of greeting is not forbidden; (2) the pronunciation of Christmas is forbidden for Moslems because it is worried that aqeedah of 'Îsâ as to fade away. So, the ban is specific, and not forbidden except them; (3) In particular verses and hadiths, some of them have different interpretations each other. The reason is that Moslems and Christians have

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(w. 213 H), *al-Sîrah al-Nabawiyyah*, quoted by Jamâl Tsâbit and friends, (Cairo: Dâr al-Hadîts, 2004), juz III, p. 270; Ibn Sa'ad, *al-Thabaqât...*, juz IV, p. 106; Ibn al-Atsîr II, *al-Kâmil...*, printed II, p. 210. Ibn Hajar called that after Ashamah converted to Islam and died, The Prophet of Muhammad pbuh sent the letter to Najâsyî. Although, Najâsyî was heathen but she considers him as a substitute of Ashamah. See: Ibn Hajar, *Fath...*, juz VIII, p. 270,273; *al-Ishâbah...*, juz I, p. 192, 205-206.

<sup>41</sup> The Authors of Paramadina, *Fiqh Lintas Agama*, p. 70.

<sup>42</sup> See: M. Quraish Shihab, *Tafsîr al-Mishbâh*, *Pesan, Kesan dan Kekeragaman al-Quran*, (Jakarta: Lentera Hati, cet I, 2001), vol. 8, p. 181; Tim Penulis Paramadina, *Fiqh Lintas Agama*, p. 80.

different aqeedah to each other. Moslems interpret Christmas as Islamic faith of the Prophet of 'Îsâ as, and Christians are vise versa.<sup>43</sup> Christians do allow Moslems to come to their Christsmas or their other great religious days.<sup>44</sup>

Of the various explanations above, there is one remaining space which has not been touched by people who forbid or allow Moslems in pronouncing certain Christmas and great days in other religions. That is the effort to syi'ar Islam. The example is QS. Al-Hajj:32 which specifically relates with Hajj.<sup>45</sup> The meaning of syi'ar in this verse is generally. It also means that as a sign of something. The example is شعار القوم في الحرب أي علامتهم التي يتعارفون بها which signs of the army, but they can be known. It is also called شعائر الله syi'ar-syi'ar from Allah that is signs of his religion. Manâsik of Hajj is including one of them.<sup>46</sup>

If the above pronunciation of Christmas has some qualifications, so the question is how to say Christmas in order to get good relationships both Moslems and Non-Moslems, and what is syi'ar Islam to be weak? The thing that should think as said by Quraish, whether prioritization of syi'ar Islam or maintain a harmonious relationship among religions.<sup>47</sup> It must be careful to say Christmas or other religious days. It is allowed (halal) or forbidden (haram) to say it. Therefore, it needs to consider about how to make syi'ar Islam besides of aqeedah.

From this, as long as not to aggravate the social relations between Moslems and Non-Moslems, and not have a bad effect on syi'ar Islam and faith, Moslems are not forbidden to say Christmas or other religious days to Christians.

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<sup>43</sup>Quraish, *Tafsîr al-Mishbâh*, vol. 8, p. 183-184; *Membumikan al-Quran, Fungsi dan Peran Wahyu dalam Kehidupan Masyarakat*, (Bandung: Mizân, 1995), h. 371-372; The authors of Paramadina, *Fiqh Lintas Agama*, p. 83-84.

<sup>44</sup>Quraish, *Tafsîr al-Mishbâh*, vol. 8, p. 182-183; *Membumikan al-Quran*, p. 371; about the examples of great days ceremonies for other religions which are attended by communities leaders and Islam religious leaders, See: the outhors of Paramadina, *Fiqh Lintas Agama*, p. 85-88.

<sup>45</sup>Abû Bakar Aḥmad bin 'Ali al-Jashhâsh (w. 380 H), *Aḥkâm al-Qur'ân*, (Beirut: Dâr Ihya' Turats al-'Arabiyy, 1405 H), juz V, p. 78; Ismail bin 'Umar al-Dimasyqi; Ibn Katsîr (w. 774 H), *Tafsîr al-Qur'ân al-Adzhîm*, (Beirut: Dâr al-Fikr, 1401 H), juz III, p. 220; Muḥammad bin 'Alial-Syaukânî, *Fath̃ al-Qadîr* (Beirut: Dâr al-Fikir, t. th), juz IV, p. 453; Quraish, *Tafsîr al-Mishbâh*, vol. 9, p. 51.

<sup>46</sup>al-Qurthubî, *Tafsir al-Qurthubi*, juz XII, h. 56; al-Syaukânî, *Fath̃ al-Qadîr*, juz IV, h. 452.

<sup>47</sup>Quraish, *Tafsîr al-Mishbâh*, vol. 8, p. 184.

Qur'an prohibits non-Muslims to enter the mosque al-Haram that is QS: al-Taubah:28. Related with it, the Prophet of Muhammad pbuh commands Moslems to adhere this verse.<sup>48</sup> On the other hands, a hadith actually confirms that Non-Moslems should be in the mosque. Before Tsumâmah bin Utsâl converted Islam, he was tied to one of the pillars of the mosque when he was as a prisoner of Pagans as a fragment of Hadith بِسَارِيَةٍ فَرِيطُوهُ in the history of al-Bukhârî from Abû Hûrairah:

حَدَّثَنَا عَبْدُ اللَّهِ بْنُ يُوسُفَ قَالَ حَدَّثَنَا اللَّيْثُ قَالَ حَدَّثَنَا سَعِيدُ بْنُ أَبِي سَعِيدٍ سَمِعَ أَبَاهُ رِيزَةَ قَالَ بَعَثَ النَّبِيُّ صَلَّى اللَّهُ عَلَيْهِ وَسَلَّمَ خَيْلًا قَبْلَ نَجْدٍ فَجَاءَتْ بِرَجُلٍ مِنْ بَنِي حَنِيفَةَ يُقَالُ لَهُ ثُمَامَةُ بْنُ أَثَالٍ فَرِيطُوهُ بِسَارِيَةٍ مِنْ سَوَارِي الْمَسْجِدِ فَخَرَجَ إِلَيْهِ النَّبِيُّ صَلَّى اللَّهُ عَلَيْهِ وَسَلَّمَ فَقَالَ أَطْلِقُوا ثُمَامَةَ فَأَنْطَلَقَ إِلَى نَحْلِ قَرِيبٍ مِنَ الْمَسْجِدِ فَاغْتَسَلَ ثُمَّ دَخَلَ الْمَسْجِدَ فَقَالَ أَشْهَدُ أَنْ لَا إِلَهَ إِلَّا اللَّهُ وَأَنَّ مُحَمَّدًا رَسُولُ اللَّهِ<sup>49</sup>

*"the Prophet of Muhammad pbuh commanded cavalry toward Najd, and they came with the one of sons of Tsumâmah bin Utsâl Hanifa. Then, the forces were binding the person on one of the mosque post. Then, the Prophet of Muhammad pbuh asked him to leave out the mosque: "loose (the bond), then Tsumâmah went toward the palm tree near the mosque and took a bath. Then, he entered the mosque and said two sentences of creed (to convert Islam).*

The word سارية means post, which is usually made from wood or the separate post of the mosque to pray together. It is also line or shaf.<sup>50</sup> This hadith tells about the close friend action of the Prophet of Muhammad pbu when he punished Tsumâmah bin Utsâl in the mosque because of musyrik. The Prophet of Muhammad pbu allowed his close friend indirectly.<sup>51</sup> In this hadith, the

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<sup>48</sup>This verse and other verses of QS.al-Tawbah required 'Ali kw at the behest of the Prophet went after Abû Bakar ra on pilgrimage in 9 H, to read these verses.

<sup>49</sup>al-Bukhârî, *Shahîh* ..., *Kitâb al-Shalât, bâb al-Ightisâl idzâ Aslama*..., juz I, p. 112 (no.462). This hadith repeated several times. Because of brief *matan*, this hadith was also narrated by: Ahmad bin Syu'aibal-Nasâ'î (w. 303 H), *Sunan al-Mujtabâ li al-Nasâ'î bi Syarh al-Suyuthî wa Hâsiyah al-Sindî*, (Beirut: Dâr al-Fikr, 1999), *Kitâb al-Masâjid, bâb Rabath al-Asîr*..., printed I, vol. II, p. 50 (no. 708). *Sanad al-Nasâ'î* met with *sanad* of the hadith history of al-Bukhârî to Laits bin Sa'ad (w. 175 H).

<sup>50</sup>Ibn al-Atsîr, *al-Nihâyah*..., juz II, p. 365; Ibrâhîm Anîs, *al-Wasîth*..., juz I, p. 428.

<sup>51</sup> Abû Umâmah al-Yamâmî; Tsumâmah bin Utsâl bin Nu'man. It is the *murtad* (apostate) event of Yamâmah people after the Prophet of Muhammad pbu., Tsumâmah participate eradicate the apostate actors. Year of death could not be traced. See: Ibn

Prophet of Muhammad pbuh continued to recognize the existence of Tsumâmah which tied at one pole of the mosque. Despite the fact that Tsumâmah was musyrik, for the Prophet of Muhammad pbuh, Tsumâmah was also the leader of his people.<sup>52</sup>

Another history in details, at first, Tsumâmah was so hate Islam, but finally he embraced Islam after being released by the Prophet.<sup>53</sup> After Tsumâmah converted Islam, he was arrested by kuffâr Quraisy. Thus, he did swear to stop food supply lines to Mecca, like fragment of matan hadith وَاللَّهِ لَا يَأْتِيَكُم مِّنَ الْيَمَامَةِ حَبَّةٌ حِنْطَةٍ حَتَّى يَأْذَنَ فِيهَا رَسُولُ اللَّهِ صَلَّى اللَّهُ عَلَيْهِ وَسَلَّمَ<sup>54</sup>

The word حَبَّةٌ حِنْطَةٍ actually means wheat seed or food supplies. The statements of Tsumâmah is reinforced the fact that at that time the residents of Mecca bought the food from Yamamah; and Tsumâmah derived from it. Kuffâr Quraisy released Tsumâmah directly. He was afraid if the food supply lines to Mecca would be stopped.<sup>55</sup>

The hadiths above explain musyrik in the mosque. Meanwhile, other hadiths grant that ahl al-kitâb was alloed to enter the mosque, like the history of Ibn Ḥanbal from Jâbir:

حَدَّثَنَا أَسْوَدُ بْنُ عَامِرٍ حَدَّثَنَا شَرِيكٌ عَنْ أَشْعَثَ بْنِ سَوَّارٍ عَنِ الْحَسَنِ عَنْ جَابِرٍ عَنِ النَّبِيِّ صَلَّى اللَّهُ عَلَيْهِ وَسَلَّمَ قَالَ لَا يَدْخُلُ مَسْجِدَنَا هَذَا مُشْرِكٌ بَعْدَ عَامِنَا هَذَا غَيْرَ أَهْلِ الْكِتَابِ وَخَدَمِهِمْ<sup>56</sup>

Hajar, *al-Ishâbah*..., juz I, p. 410-411, juz III, p. 581.

<sup>52</sup> See: Abû Dâud, *Sunan*..., *Kitâb al-Jihâd, bâb fî al-Asîr Yûtsaq*, juz II, p. 407 (no. 2679).

<sup>53</sup> See: Muslim, *Shahîh*..., *Kitâb al-Jihâd wa al-Sair, bâb Rabth al-Asîr wa Ḥabsihi*, printed II, p. 147 (no. 1764); al-Bukhârî, *Shahîh* ..., *Kitâb al-Maghâzî, bâb Wafdi banî Ḥanîfah*..., juz III, p. 77 (no. 4372); Abû Dâud, *Sunan*..., *Kitâb al-Jihâd, bâb fî al-Asîr Yûtsaq*, juz II, p. 407-408 (no. 2679); Ibn Ḥanbal, *Musnad*..., *min Musnad Abî Hurairah*, printed II, p. 452. All *sanad* met all histories of al-Bukhârî above to al-Laits from Sa'îd bin Abî Sa'îd from Abû Hurairah.

<sup>54</sup> Muslim, *Shahîh*..., *Kitâb al-Jihâd wa al-Sair, bâb Rabth al-Asîr*..., printed II, p. 147 (no. 1764).

<sup>55</sup> Ibn Hajar, *Fath*..., juz VIII, p. 421. Detention of Tsumâmah by kuffâr Quraisy, then it is released; see in detail: Ibn Hisyâm, *al-Sîrah*..., juz IV, p. 491-492.

<sup>56</sup> See: Ibn Ḥanbal, printed III, p. 339, 392. The narrator of the hadith is: 1, Jâbir. 2, Hasan al-Bashrî. 3, Asy'ats bin Sawwâr. 4, Syarîk (see an assessment of the narrators for no. 2-4 in *sanad* hadith on the prohibition of marriage with Moslems of *ahl al-kitâb*) 5, Aswad bin Amir (w. 208 H) and 6, Ibn Ḥanbal. Ibn Ḥanbal also narrated through Ḥusain bin Muḥammad bin Bahrâm (w. 213 H) but he also received from Syarîk, from

Although this hadith indicates *dha'îf*,<sup>57</sup> other hadiths and other historical facts verify that Non-Moslems (Jews) have entered the mosque in Medina. They discussed with the Prophet of Muhammad pbuh about adultery by one of the men and women of their.<sup>58</sup> It happened to go down QS.al-Taubah:28 in 9 H. QS.al-Taubah:28 contains those prohibitions, especially about the mosque of al-Harâm in Mecca. The writer does not find the prohibitions to Medina mosque and other mosques for Non-Moslems specifically.

In QS.al-Taubah:28 and the histories of two hadiths above, generally, religious leaders disallow musyrik to enter to the mosque of al-Harâm, since the events of Tsumâmah is alleged before Fath Makkah,<sup>59</sup> Meanwhile, QS. al-Taubah: 28 was in 9 H. From legal review, religious leaders have different opinion about Non-Moslems in the case of entering other mosques. According to mazhab Syafi'î, musyrik is allowed to enter mosque apart from the mosque al-Harâm. Therefore, ahl al-kitâb is allowed to enter any mosque. Based on analogy, Mazhab Malikî proscribes musyrik or ahl al-kitâb to enter all mosques. But, Abû Hanîfah allows it absolutely or mutlaq. QS. al-Taubah: 28 only proscribes the communities of musyrik to do Hajj, and does not proscribe to enter the mosques.<sup>60</sup>

Of the above explanation, it seems that the main reason of musyrik was forbidden to enter the mosque al-Harâm because of their excrements as the verse above. The excrements are related with aqeedah and not body.<sup>61</sup> But, according to team of authors of Fiqih Lintas Agama, QS. Al-Taubah:28 describes the context of history. The ban can not be separated from their treatment during the period of risalah (treatise) to the Prophet of Muhammad pbuh, Moslems, and Hajj which is irreligious of Ibrâhîm as.<sup>62</sup> If this opinion is

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Asy'ats about *dha'îf*. Apparently, this hadith narrated only by Ibn Hanbal, because some of the books of hadith apart from *al-tis'ah*, also did not contain the narratives Ibn Hanbal.

<sup>57</sup>*Dha'îf*, the existence of Asy'ats bin Sawwâr. See: 'Ali bin Abû Bakar al-Haitsamî (w. 807 H), *Majma' al-Zawâid wa Manba' al-Fawâid* (Beirut: Dâr al-Kutub al-'Ilmiyyah, 1988), juz IV, p. 10.

<sup>58</sup> See: al-Bukhârî, *Shahîh* ..., juz I, p. 285, juz IV, p. 309; Abû Dâud, *Sunan*..., *Kitâb al-Shalât, bâb fî al-Musyrik Yadkhul al-Masjid*, juz I, p. 195 (no. 486-488); Ibn Hajar, *Fath*..., juz XIV, p. 88-89, 140.

<sup>59</sup> See: al-Qurthubî, *Tafsîr al-Qurthubî*, juz VIII, p. 105; Ibn Hajar, *Fath*..., juz VIII, p. 419.

<sup>60</sup> Complementary description, See: al-Qurthubî, *Tafsîr al-Qurthubî*, juz VIII, p. 104-106; Ibn Hajar, *Fath*..., juz II, p. 136; Quraish, *Tafsîral-Mishbâh*, volume 5, p. 570.

<sup>61</sup> al-Syaukânî, *Fath al-Qadîr*, juz II, p. 349; Quraish, *Tafsîral-Mishbâh*, volume 5, p. 569.

<sup>62</sup> The authors of Paramadina, *Fiqih Lintas Agama*, p. 110-115.

receive, Non-Moslems who are not ahl al-kitâb, like Buddhist and Hindu, do not allow to enter to the mosques, even the mosque of al-Harâm. They do not perform the pilgrimage and not all of them hostile to Moslems. Abû Hanifah also describes it.

The writer tends to think syâfi'iyyah above. Because, 'illat is specifically for the mosque of al-Harâm. The meaning is that in spite of the mosque of al-Harâm, Non-Moslems are allowed to enter to the mosques. But even so, the permissibility does not necessarily apply to public, even ahl al-kitâb. The consideration is whether there is a benefit or not when Non-Moslems are entering the mosque. In 2001, Paus Yohanes Paulus II and the group were entering the mosque of Umayyah. At that time, the political relationship between Israel and Syria flared up.<sup>63</sup> On the other hands, they just wanted to visit some historical heritage of a particular mosque.

From these phenomena, the writer analyzes that the mosque of al-Harâm has the special prohibition for Non-Moslems who are not ahl al-kitâb to enter the mosque. The mosque of al-Harâm is purity symbol of all the mosques in the world and even the unifying symbol of Muslims. The writer chooses to refuse to explain ahl al-kitâb why they were entering the mosque of al-Harâm. This prohibition is applied to the mosque of al-Nabawî in Medina.

Implicitly, there is hadith which declare the prohibition of al-Harâmain.<sup>64</sup> But, the writer has drawn that some religious leaders are still khilâf related with ahl al-kitâb in entering the mosque of al-Harâm. Abû Hanifah would not give his opinion about ahl al-kitâb and musyrik above because the reason is that the prohibition is just applied to do Hajj for both of them as the previous discussion above.

If Hadith of prohibition al-Harâmain is seen in detail, in fact, it is about prohibition to shed blood, carrying a sword to kill and remove trees in the two areas as the history of al-Bukhârî and others.<sup>65</sup> If this hadith is to be hujjah by

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<sup>63</sup> The example are from The authors of Paramadina, *Fiqh Lintas Agama*, p. 109.

<sup>64</sup> The hadith declares that the Prophet of Muhammad pbuh prohibits Medina as Ibrahim prohibits Mecca. See: al-Bukhârî, *Shahîh*..., *Kitâb al-Jihâd wa al-Sair, bâb fadhl al-Khidmah fî al-Ghazwi*, juz II, p. 180 (no. 2889) repeated for several times; Muslim, *Shahîh*..., *Kitâb al-Hajj, bâb Fadhl Madînah*..., printed II, p. 624-625 (no. 1360-1362); Ibn Mâjah, *Sunan*..., *Kitâb al-Manâsik, bâb Fadhl Madînah*, juz II, p. 233 (no. 2113); Mâlik, *Muwattha'*, *Kitâb al-Jâmi'*, *bâb mâ Jâ' fî Tahrim al-Madînah*, h. 544 (no. 1645). This Hadith is sourced from some friends like Anas, Jâbir, Abû Hurairah, 'Abdullah bin zaid bin 'Ashim *radhillahu`anhum*.

<sup>65</sup> See: al-Bukhârî, *Shahîh*..., *Kitâb al-Ilm, bâb Liyuballigh al-'Ilm*..., juz I, p. 36 (no. 104) which are repeated for several times; Moslems, *Shahîh*..., *Kitâb al-Hajj, bâb Tahrim Makkah wa Shaidihâ*..., *bâb Fadhl Madînah*..., printed II, p. 622, 625 (no. 1553, 1363); Abû Dâud, *Sunan*..., *Kitâb al-Manâsik, bâb fî Tahrim Madînah*, juz II, p. 173-174 (no. 2034); al-Turmudzî, *Sunan*..., *Kitâb al-Diyât, bâb mâ Jâ'a fî Hukum*



al-Syafi'î, Mâlik, and jumhûr of the religious leaders, prohibition of hunted animals and plants (trees) in both regions, as recognized by al-Nawawî.<sup>66</sup> It means that this hadith does not be called as qath'î from the aspect of dilâlah on order to prohibite Non-Moslems in entering al-Ḥarâmain, or both of these two mosques at that holy city.

Talking about the mosque, it also talking about implementation of other religious rituals in it. There is a hadith that supports Najrân that is the religious ritual of Christians in the mosque of al-Nabawî when they went to Medina about 9 H.<sup>67</sup> Ibn Qayyim has said that it can not become.<sup>68</sup> Of course, this is related with the social context of Najrân Christian visits to Medina. It can be sure that at that time, Christians had not places of worship in Medina and Mecca. Besides, they have came to discuss and listen about Islamic message/risalah with the Prophet of Muhammad pbuh.<sup>69</sup> The mosque of Medina was not just the place for the worship of mahdhah, but it is also for government, deliberation and receive guests of state, as has been popular in history.

From this, nowadays, we would not be difficult to find. Similarly, the meetings among religious leaders are generally more taking place in the building, office or even a luxury hotel. It is not like in the early days of Islam. And, the permission of Non-Moslems to do their worship in the mosque are needed to be revisited. Eventhough, it is not mutlaq. With the same underpinnings as well, the permission of Moslems to do their worship in Church are needed to be revisited too as Ibn `Abbas have done. Ibn `Abbas was only to do worship in Church which was not statue or image.<sup>70</sup> Though, the churches are now almost filled with statues of `Îsâ as or Maryam as (Maria).

Therefore, Non-Moslems are allowed to enter mosques. Ahl al-kitâb is

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*Waliyyi al-Qatîl...*, juz III, p. 103-104 (no. 1411); al-Nasâ'î, *Sunan...*, *Kitâb Manâsik al-Hajj, bâb Ḥurmah Makkah*, printed III, vol. V, p. 210 (no. 2871); Ibn Mâjah, *Sunan...*, *Kitâb al-Manâsik, bâb Fadhl Makkah*, juz II, p. 232 (no. 3109). This Hadith sourced in some friends `Ali kw, Ibn `Abbâs, Sa`ad bin Abî Waqqâsh (w. 55/56 H dsb), Abû Syuraih; Khuwailid bin `Amar al-Khuzâ'î (w. 68 H) and Shafiyyah binti Syaibah (w. ? ).

<sup>66</sup> al-Nawawî, *Syarḥ al-Nawawî...*, printed V, vol. IX, p. 113.

<sup>67</sup> Ibn Hisyâm, *al-Sîrah...*, juz II, p. 428. History is considered mursal.

<sup>68</sup> Ibn Qayyim, Muḥammad bin Abû Bakar al-Zarîl al-Jauziyyah (w. 751 H), *Aḥkâm Ahl al-Dzimmah*, (Beirut: Dâr al-Kutub al-`Ilmiyyah, 1995), juz I, p. 316.

<sup>69</sup> Jamâl, *Irsyâd `Ulil al-Bâb...*, p. 168.

<sup>70</sup> Umar ra was also reluctant to enter the church where there was a statue. See: al-Bukhârî, *Shahîḥ...*, *Kitâb al-Shalât, bâb al-Shalât fî al-Bî`ah*, juz I, p. 106. Thta is why `Umar went to Syiria, and was invited by pastor at the church. See: `Abd Razzâq bin Hammâm (w. 211 H), *Mushannaf `Abd Razzâq*, quoted by Ḥabîburrahman al-A`dzami (Beirut: Maktabah al-Islâmiy, 1403 H), *Kitâb al-Shalât, bâb al-Shalât fî al-Bî`ah*, juz I, p. 411; Ibn Ḥajar, *Fath...*, juz II, p. 98.

also allowed to the mosque of al-Harâm and al-Nabawî, as long as they do not pollute the sanctity of mosques and have the benefit therein. Of course, wherever Moslems are not prohibited to do their worship. The important thing is that they do not carry on the faith of a Muslim turbidity and emerging social losses.

#### C. Slaughter and Non-Moslems Food Equipment

Regardless of opinions about Christianity, including group of musyrikîn,<sup>71</sup> Takes the slaughter of Non-Moslems from the community of ahl al-kitâb (see: QS. al-Mâidah:5). Factually, the the Prophet of Muhammad pbuh has eaten treats of Jewish as the history of al-Bukhârî from Anas:

حَدَّثَنَا عَبْدُ اللَّهِ بْنُ عَبْدِ الْوَهَّابِ حَدَّثَنَا خَالِدُ بْنُ الْحَارِثِ حَدَّثَنَا شُعْبَةُ عَنْ هِشَامِ بْنِ زَيْدٍ عَنْ أَنَسِ بْنِ مَالِكٍ رَضِيَ اللَّهُ عَنْهُ أَنَّ يَهُودِيَّةً أَتَتْ النَّبِيَّ صَلَّى اللَّهُ عَلَيْهِ وَسَلَّمَ بِشَاةٍ مَسْمُومَةٍ فَأَكَلَ مِنْهَا فَجِيءَ بِهَا فَقِيلَ أَلَا نَقْتُلُهَا قَالَ لَا فَمَا زِلْتُ أَعْرِفُهَا فِي لَهَوَاتِ رَسُولِ اللَّهِ صَلَّى اللَّهُ عَلَيْهِ وَسَلَّمَ<sup>72</sup>

*“Jewish woman gave the meat which has been given poison to the Prophet of Muhammad pbuh, and the Prophet of Muhammad pbuh ate it. After that, that woman was invited by him. He asked to that woman, if we ever intend to kill you. Then, he said: do not be! (Anas said) I always know that it is poisonous meat in the uvula the Prophet of Muhammad pbuh”.*

The word مسمومة from سم means poison. In this event, mutton were given poison. The word لهوات is in the form of plural which comes from لهاة means meat that was on the inside of the upper mouth or are referred to the uvula.<sup>73</sup> These two words explain that the Prophet of Muhammad pbuh has eaten food provision, which occurs after Khaibar (7 H) as the other histories of

<sup>71</sup>According to Ibn `Umar, it is related to marriage with non-Moslems. See: al-Qurthubî, *Tafsîr al-Qurthubî*, juz III, p. 67-72, juz VI, p. 76-78; Ibn Katsîr, *Tafsîr al-Qur`ân al-Adzhîm*, juz II, p. 21; Quraish, *Tafsîr al-Misbâh*, vol 3, p. 30-32.

<sup>72</sup>al-Bukhârî, *Shahîh* ..., *Kitâb al-Hibah wa Fadhlîhâ, bâb Qabûl al-Hadiyyah min al-Musyrikîn*, juz II, p. 116 (no. 2617). With adjacent Matan, This hadîth is also narrated by Moslem, *Shahîh*..., *Kitâb al-Salâm, bâb al-Samm*, printed II, p. 354 (no. 2190); Abû Dâud, *Sunan*..., *Kitâb al-Diyât, bâb fî man Saqâ Rajulan Samman*..., juz IV, p. 171 (no. 4508); Ibn Hanbal, *Musnad*..., *min Musnad Anas*, printed III, h. 218. *Sanad* Muslim and Abû Dâud met *sanad* hadîth of the history of al-Bukhârî from Abû `Utsmân; Khâlid bin al-Hârîts (w. 186 H). *Sanad* of Ibn Hanbal met *sanad* of al-Bukhârî from Syu`bah bin al-Hajjâj.

<sup>73</sup>Ibn al-Atsîr, *al-Nihâyah*..., juz IV, p. 284; Ibn Manzhûr, *Lisân*..., printed XV, p. 261-262.

al-Bukhârî.<sup>74</sup>

The other histories of al-Bukhârî are more detail that explain about that event. But, it is contradictory to the above hadith, when describing the interrogation of the Prophet of Muhammad pbuh. Because, the interrogation is just presented to the woman who gave the poison for the Prophet of Muhammad pbuh. After the question and answer, this history clarified the intention for the woman to Jewish communities, such as fragment of *matan*:

هَلْ جَعَلْتُمْ فِي هَذِهِ الشَّاةِ سَمًّا فَقَالُوا نَعَمْ فَقَالَ مَا حَمَلَكُم عَلَى ذَلِكَ فَقَالُوا أَرَدْنَا أَنْ  
كُنْتَ كَذَّابًا نَسْتَرِيحُ مِنْكَ وَإِنْ كُنْتَ نَبِيًّا لَمْ يَضُرَّكَ<sup>٧٥</sup>

The two hadiths of al-Bukhârî have not contradictory. By understanding these, the Prophet of Muhammad pbuh asked early on Jewish women who actually named Zainab binti al-Hârits,<sup>76</sup> which she gave food the poison. Next, she also asked for a second time to Jewish community in the Khaibar about their conspiracy.

Still at war of Khaibar, Abdullah bin Mughaffal (w. 59/60/61 H)<sup>77</sup> grabbed the fat which fired him. The Prophet of Muhammad pbuh knew it, even he was illustrated in smiling when Ibn Mughaffal did it.<sup>78</sup> Directly, it is taqrîr on

<sup>74</sup> al-Bukhârî, *Shahîh* ..., *Kitâb al-Jizyah wa al-Muwâda`ah, bâb idzâ Ghadara al-Musyrikûn*..., juz II, p. 233-234 (no. 3169). With similar *matan*, the history of al-Bukhârî, is available in: al-Dârimî, *Sunan*..., *Kitâb al-Muqaddimah, bâb mâ Ukrima al-Nabiyu saw*..., juz I, p. 28 (no. 70); Ibn Hanbal, *Musnad*..., *min Musnad Abî Hurairah*, printed II, p. 451. The second *Sanad* of him met *sanad* of al-Bukhârî from Laits bin Sa`ad.

<sup>75</sup> See back: al-Bukhârî, *Shahîh* ..., *Kitâb al-Jizyah wa al-Muwâda`ah, bâb idzâ Ghadara al-Musyrikûn*..., juz II, p. 233-234 (no. 3169).

<sup>76</sup> She did it because of revenge. Because brother, father, uncle, and her husband was killed in the war of Khaibar. See: Ibn Hajar, *Fath*..., juz VIII, p. 282-283. Reputedly, she was the brother of Marhab that is the leader of Jews at Khaibar. Marhab was died by `Ali kw. See: Abû Dâud, *Sunan*..., *Kitâb al-Diyât, bâb fî man Saqâ Rajulan Samman*..., juz IV, p. 171; Ibn al-Atsîr II, *al-Kâmil*..., printed II, p. 219.

<sup>77</sup> Abû Sa`îd `Abdullah bin Mughaffal bin `Abd Ghanam al-Muznî. He is including *Ba`'ah Ridhwân* 6 H, Tabuk 9 H, and 10 people who are sent by `Umar ra to Basrah in religious teaching. He was died at Bashrah. See: Ibn Hajar, *al-Ishâbah*..., juz IV, p. 242.

<sup>78</sup> See: al-Bukhârî, *Shahîh* ..., *Kitâb Fardh al-Khumus, bâb mâ Yushâbu min al-Tha`âm*..., juz II, p. 230 (no. 3153). This history is also in: Muslim, *Shahîh*..., *Kitâb al-Jihâd wa al-Sair, bâb Jawâz al-Akl min Tha`âm*..., printed II, p. 152 (no. 1772); Abû Dâud, *Sunan*..., *Kitâb al-Jihâd, bâb fî Ibâhah al-Tha`âm*..., juz II, p. 418 (no. 2702); al-Nasâ'î, *Sunan*..., *Kitâb al-Dhahâyâ, bâb Dzabâ'ih al-Yahûd*, printed IV, vol VII, p. 250 (no. 4442); al-Dârimî, *Sunan*..., *Kitâb al-Sair, bâb Akl al-Tha`âm Qabl*..., juz II, p. 162 (no. 2496); Ibn Hanbal, *Musnad*..., *min Musnad al-Bashriyyîn*, jprinted V, p. 55. *Sanad*

the friend act. This hadith allows to eat the slaughter of ahl al-kitâb even though they are the enemy in war.

Both of the war events at Khaibar, the meaning of the slaughter of ahl al-kitâb is Jews. QS.al-An'âm:121 explains the slaughter from musyrik communities.<sup>79</sup> It has been understood that eating the slaughter from them is illicit. In QS.al-Mâidah:5, the religious leaders have agreement except the community of Syi'ah, the communities of Moslems are granted the slaughter from ahl al-kitâb.<sup>80</sup> On this agreement, they have different opinions about the slaughter from ahl al-kitâb when they were without mention of God. The men who were without mention of God were 'Uzair as or 'Îsâ al-Masîh as. At the same time, Moslems did hear ahl al-kitâb in speaking. Abû Hanîfah (w. 150 H), al-Syafi'î (w. 204 H), and Ibn Hanbal (w. 241 H) who are in one of the history declare the prohibition of it as the opinion of 'Ali (w. 40 H), 'Âisyah (w. 57/58 H) and Ibn 'Umar (w. 73/74 H). Ibn Musayyab (w. 94 H), al-Laits (w. 175 H) and Asyhab from mazhab Mâliki and other histories of Ibn Hanbal said the kosher (haram) slaughter. As Mâlik ra (w. 179 H) has said that it is allowed with makrûh.<sup>81</sup>

The above differentiations are also for Non-Moslems in the religious places. It is as follows: (1) they who prohibit such Mazhab al-Syafi'î and Ibn Hanbal in one of their histories; (2) they who allow such Mâlik in one of their histories; (3) they who allow with makrûh such the majority of religious leader

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of the religious leaders is the opinion of Humaid bin Hilâl bin Hubairah (w. ± 110-115 H). In detail, *sanad* of al-Bukhârî, Ibn Hanbal and one of the Moslem histories through Syu'bah bin Hajjâj from Humaid. It describes one of the Moslem histories and the history of Abû Dâud, al-Nasâ'î and al-Dârimî through Sulaimân bin al-Mughîrah (w. 165 H) from Humaid from 'Abdullah bin Mughaffal.

<sup>79</sup> See the interpretation: al-Qurthubî, *Tafsîr al-Qurthubî*, juz VI, h. 76-78, juz VII, h. 74, 77-78.

<sup>80</sup> See: Muḥammad bin Idrîs al-Syâfi'î (150-204 H), *al-Umm*, (Beirut: Dâr al-Ma'rîfah, 1393 H/ 1973 M), juz II, p. 231; al-Qurthubî, *Tafsîr al-Qurthubî*, juz VI, p. 76; Ibn Qudâmah, *al-Mughnî*, juz IX, p. 311; al-Nawawî, *Syarḥ al-Nawawî*, printed VI, vol. XII, p. 83; Badrân Abû al-'Ainaîn Badrân, *al-'Alâqât al-Ijtimâ'iyah baina al-Muslimîn wa ghaîr al-Muslimîn* (Saudi 'Arabiyyah: Muassasah Syabâb al-Jâmi'ah, 1984), p. 307-309.

<sup>81</sup> Complementary in Description, see: al-Jashhâsh, *Aḥkâm al-Qur'ân*, juz I, p. 154-155; al-Qurthubî, *Tafsîr al-Qurthubî*, juz VI, p. 76; Abdullah bin Aḥmad al-Maqdisî, Ibn Qudâmah (w. 620 H), *al-Mughnî 'alâ Mukhtashar al-Kharqî*, (Beirut: Dâr al-Fikir, 1405 H/1985 H), juz IX, p. 312, 321; Abû al-Walîd Muḥammad bin Aḥmad al-Qurthubî; Ibn Rusyd (w. *Ḥidâyah al-Mujtahid wa Nihâyah al-Muqtaṣhid*, (Semarang: Toha Putera, t.th.), juz I, p. 329-330; al-Nawawî, *Syarḥ al-Nawawî*, printed VI, vol. XII, p. 83; al-Syaukânî, *Fathḥ al-Qadîr*, juz II, p. 14; Badrân, *al-'Alâqât al-Ijtimâ'iyah*, p. 310; Abû Bakar bin Mas'ûd 'Alâ al-Dîn al-Kâsânî (w. 587 H), *Badâ'î al-Shanâ'î*, (Beirut: Dâr al-Kutub al-'Arabi, 1982), juz V, p. 46.

opinions, namely: Abû Hanîfah, al-Tsaurî (w. 161 H) and Ibn Hanbal in other histories, and Mâlik of al-Mudawwanah.<sup>82</sup>

For the first case, If Moslems exactly watched Non-Moslems in slaughtering animals to call besides of Allah, eating the slaughter of Non-Moslems is prohibited. (QS. al-An`âm:121):

وَلَا تَأْكُلُوا مِمَّا لَمْ يُذْكَرْ اسْمُ اللَّهِ عَلَيْهِ وَإِنَّهُ لَفِسْقٌ وَإِنَّ الشَّيَاطِينَ لَيُوحُونَ إِلَى أَوْلِيَائِهِمْ لِيُجَادِلُوكُمْ وَإِنْ أَطَعْتُمُوهُمْ إِنَّكُمْ لَمُشْرِكُونَ

“ And do not eat animals that do not mention the name of Allah when slaughtered. Indeed, such an act is wickedness. Indeed, the devil whispered to his friends so they argue with you; and if you obey them, then you surely become idolatrous people (musyrik).”

If the verse is assumed to be received from QS.al-Mâidah:5 firstly, it is possible nâsikh-mansûkh or takhshîsh,<sup>83</sup> so the writer agrees to compromise the two verses (al-jam`u).<sup>84</sup> For the second case, the writer has the same opinion with Badrân, when the slaughter of them in a place of worship which aims to get closer to their God, so Moslems do grant to eat the slaughter. Otherwise if it is not aimed so, it is just like “tabarruk” at their place of worship, so it is allowed as makrûh.<sup>85</sup> The author adds, when they slaughter specifically for them closer to God, it can also be analogous to the slaughter of musyrik which is closer through idols.<sup>86</sup>

Nowadays, Muslims do not easily detect the slaughter from ahl al-kitâb for both cases above, as the meat was being served at the event of Natalan (Christmas). Of course, Muslims still be consuming as seen in zhahir, especially the food is the order. Then, if Moslems and Non-Moslems are best friend and “understand” each other, then the slaughter is allowed to be eaten in their big days, as long as they use equipments which are not in doubt, as will be discussed above.

There are two things that are not less interesting than the above problems, namely: (1) slaughter animals of ahl al-kitâb which are granted for

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<sup>82</sup>See: Mâlik bin Anas al-Ashbâhî (w. 179 H), *al-Mudawwanah al-Kubrâ* (Beirut: Dâr al-Shadir, t.th.) juz III, p. 67; Ibn Qudâmah, *al-Mughnî*, juz IX, p. 312; Ibn Rusyd, *Bidâyah al-Mujtahid*..., juz I, p. 330; al-Nawawî, *Syarh al-Nawawî*, printed VI, vol. XII, p. 83; Badrân, *al`Alâqât al-Ijtîmâ`iyyah*, p. 313.

<sup>83</sup>QS. al-An`âm:121 ditakhshîsh al-Mâidah:5. See: al-Syaukânî, *Fath al-Qadîr*, juz II, p. 14.

<sup>84</sup>al-Jashhâsh, *Ahkâm al-Qur`ân*, juz I, p. 155.

<sup>85</sup>Badrân, *al`Alâqât al-Ijtîmâ`iyyah*..., p. 314.

<sup>86</sup>QS. al-Mâidah:3: ... وَمَا ذُبِحَ عَلَى سَائِلِصُبٍ...

“... and (are forbidden unto you) which is slaughtered for idols ...

Moslems, but it is forbidden for them;<sup>87</sup> (2) slaughter by using certain tools, such as electronics or electricity, which is used in places cuts.

In the first case, the religious leaders are different opinions, but jumhûr allowed.<sup>88</sup> The writer does agree besides using the hadith of the Prophet of Muhammad pbu and eating goat which comes from the Jews, and the events of Ibn Mughaffal, also use traditional logic with them. QS. al-Mâidah:5 suggests that if the slaughter from ahl al-kitâb which may be eaten by Muslims and halal for Moslems, and this is not something that is anathema to them. Therefore, an animal like a camel that unlawful for ahl al-kitâb (Ulgan: 14; 78, Imâmat:11), then Moslems are not forbidden for eating animals which are slaughtered by them.

In the latter case, the religious leaders allow to slaughter animals by using electronic tools, even the imported meat which comes from the country majority of ahl al-kitâb are halal.<sup>89</sup> In Indonesia, meat which come from a variety of countries, are including the majority of ahl al-kitâb. LPPOM (Assessment Department of Food Drug and Cosmetics) MUI in cooperation with relevant departments to detect, if the meat has been qualified, it will be certified kosher/ halal,<sup>90</sup> so it is not all slaughters outside or even in the country are approved by the MUI.

On the other hand, according to a former top leader of al-Azhar, Sayyid Muhammad Thanthâwî quotes the opinion of religious leaders with mazhab Malik, that the cheese and the like are derived from Non-Moslem countries, it is certain impurity. Therefore, these foods are forbidden, further he said that all of it must be proved further. If it is not proven, then his status remains lawful/

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<sup>87</sup>It needs to know, due to sin, Allah swt punished Yahudi to forbid some food on them, but the food is halal. See: QS. al-An'âm:146. Also see: *al-Kitâb al-Muqaddas al-Ahd al-Qadîm* (Syarq al-Ausath: Dâr al-Kitâb al-Muqaddas, tth.), p. 172, 302 in passage of Imâmat: 11; 5-8, Repetition: 14; 4-10.

<sup>88</sup>Like the differentiation about the slaughter of *ahl al-kitâb* for their religious place fro praying. In this case, religious leaders are also separated to be 3 groups. *The first* is allowed and this is the majority of religious leaders. The second is punishing *makrûh* and *ketiga* adalah haram. See: al-Qurthubî, *Tafsîr al-Qurthubî*, juz VI, p. 77; Ibn Qudâmah, *al-Mughnî*, juz IX, p. 321-322; al-Nawawî, *Syarh al-Nawawî*, printed VI, vol. XII, p. 83; Manshûr bin Yûnus bin Idrîs al-Hanbali al-Bahûtî, *Kassâyf al-Qannâ*, 'an al-Iqnâ', quoted by Hilâl Mushailihî Mushtafâ Hilâl (Beirut: Dâr al-Fikir, 1402 H), juz VI, p. 211; 'Badrân, *al-'Alâqât al-Ijtimâ' iyyah*..., p. 315-318 and the verses.

<sup>89</sup>al-Qaradhâwî, *al-Halâl wa al-Harâm fî al-Islâm*, (Cairo: Maktabah Wahbah, 1980), p. 56.

<sup>90</sup>See: [www.halalmui.or.id](http://www.halalmui.or.id), (31-03-2014). Usually overseas, MUI cooperates with animal slaughter places which are certified for *halal* by MUI. The example is Islamic Organization Certifier. The animal slaughter places which are certified for *halal* by MUI, namely: PT Inbraco, PT Abadi Perkasa, PT Japua Santori Indonesia.

halal.<sup>91</sup> Through the above explanation, it can be stated that at present, especially in Indonesia, Moslems are safe when eating meat imports, or other foods of the country majority of ahl al-kitâb, and which has halal certification.

Associated with the slaughter of non Moslems are using their food equipment, the Prophet of Muhammad pbuh licenses on al-Khusyânî<sup>92</sup> to use food equipment of ahl al-kitâb, but with two qualifications: (1) when a Muslim does not obtain food equipment other than ahl al-kitâb; (2) wash the equipment before using it, which is understandable from a fragment of hadith فَإِنْ وَجَدْتُمْ غَيْرَهَا فَلَا تَأْكُلُوا فِيهَا وَإِنْ لَمْ تَجِدُوا فَاغْسِلُوهَا وَكُلُوا فِيهَا in history of al-Bukhârî:

حَدَّثَنَا عَبْدُ اللَّهِ بْنُ يُزَيْدٍ حَدَّثَنَا حَيْوَةُ قَالَ أَخْبَرَنِي رَبِيعَةُ بْنُ يَزِيدَ الدَّمَشَقِيُّ عَنْ أَبِي إِدْرِيسَ عَنْ أَبِي ثَعْلَبَةَ الْخُشَنِيِّ قَالَ قُلْتُ يَا نَبِيَّ اللَّهِ إِنَّا بِأَرْضٍ قَوْمٌ مِنْ أَهْلِ الْكِتَابِ أَفَنَأْكُلُ فِي أَنْيَتِهِمْ وَبِأَرْضٍ صَيْدٌ أَصِيدُ بِقَوْسِي وَبِكَلْبِي الَّذِي لَيْسَ بِمُعَلِّمٍ وَبِكَلْبِي الْمُعَلِّمِ فَمَا يَصْلُحُنِي قَالَ أَمَّا مَا ذَكَرْتَ مِنْ أَهْلِ الْكِتَابِ فَإِنْ وَجَدْتُمْ غَيْرَهَا فَلَا تَأْكُلُوا فِيهَا وَإِنْ لَمْ تَجِدُوا فَاغْسِلُوهَا وَكُلُوا فِيهَا وَمَا صِدْتَ بِقَوْسِكَ فَذَكَرْتَ اسْمَ اللَّهِ فَكُلُوا مَا صِدْتَ بِكَلْبِكَ الْمُعَلِّمِ فَذَكَرْتَ اسْمَ اللَّهِ فَكُلُوا مَا صِدْتَ بِكَلْبِكَ غَيْرِ مُعَلِّمٍ فَادْرَكْتَ ذَكَاتَهُ فَكُلْ<sup>93</sup>

*"I am (Abî Ts'alabah) asking you, The Prophet of Muhammad pbuh. Indeed, we are in a community of ahl al-kitâb, what we should eat with their cooking utensils? We (also) are located in the game. I hunt with arrows and my dogs which have not been trained than other dogs. Tell me what is good (lawful) for*

<sup>91</sup> As quoted by Quraish, *Tafsîr al-Mishbâh*, vol 3, p. 29.

<sup>92</sup> Abû Ts'alabah al-Khusyânî. His original name is to be a problem because of many verses of it: Jursum, Jurhum, Jurtsûm, Jurhûm, Jurhûmah, and others. He converted Islam in 6 to 7 H, and died in Mu'awiyah (± 41 H) firstly or in 57 H. Ibn Hajar, *al-Ishâbah*..., juz VIII, p. 58-59.

<sup>93</sup> See: al-Bukhârî, *Shahîh* ..., *Kitâb al-Dzabâ'ih wa al-Shaid, bâb Shaid al-Qaus*, juz III, h. 328 (no. 5478). With similar wording and adjacent, This hadith is also narrated by: Muslim, *Shahîh*..., *Kitâb al-Shaid wa al-Dzabâ'ih*..., *bâb al-Shaid bi al-Kilâb*..., printed II, p. 232-233 (no. 1930); Ibn Mâjah, *Sunan*..., *Kitâb al-Shaid, bâb Shaid al-Kalab*, juz II, p. 263 (no. 3207); Ibn Hanbal, *Musnad*..., *min Musnad al-Syâmiyyîn*, printed IV, p. 195. Their *Sanad* met the hadith history of al-Bukhârî on Haywah bin Syuraih (w. 158 H). Exception is that Ibn Hanbal directly received from 'Abdullah bin Yazîd (w. 213 H) such al-Bukhârî from 'Abdullah bin Yazîd from Haywah.

me? (Then) the Prophet of Muhammad pbuh answer: The things which you have mentioned about ahl al-kitâb, if you get any other kind (equipment other than theirs) then you do not eat in it (use it), but if you do not find (except theirs) then wash and (use) eat with him. (While) when you throw the arrow (in animals) then you have to mention the name of Allah, then you should take it and when you send your dog, then you call also the name of Allah and eat it. And when you send your dog that has not been trained, if you still have a chance to kill it (catch dogs intended) then eat it".

However, the using of equipments of ahl al-kitâb are still allowed as an expression of *فَمَا يَصْلُحُ لِي*. This expression means that what is lawful for me associated with two things that have been asked about the food equipment of ahl al-kitâb and hunting with dogs.<sup>94</sup> The meaning of kosher is because of the fragment of *matan* in the other histories of al-Bukhârî and also the history of Moslem. This is replaced with *فَأَخْبِرْنِي مَا الَّذِي يَحِلُّ لَنَا مِنْ ذَلِكَ*.<sup>95</sup> The first history of al-Bukhârî above also has a simple *matan*<sup>96</sup> and history which does not mention the using of food equipments of ahl al-kitâb, but the equipments only contain about hunting with dogs that have not been well trained.<sup>97</sup>

Policy in the using of ahl al-kitâb food equipments appreciably different to the policy of using the food equipment of musyrik which are allowed unconditionally, such as information from Jâbir:

حَدَّثَنَا عُثْمَانُ بْنُ أَبِي شَيْبَةَ حَدَّثَنَا عَبْدُ الْأَعْلَى وَاسْمَعِيلُ عَنْ بُرْدِ بْنِ سِنَانٍ عَنْ عَطَاءٍ عَنْ جَابِرٍ قَالَ كُنَّا نَعْزُو مَعَ رَسُولِ اللَّهِ صَلَّى اللَّهُ عَلَيْهِ وَسَلَّمَ فَتَصِيبُ مِنْ آيَةِ الْمُشْرِكِينَ وَأَسْقِيَتِهِمْ فَتَسْتَمْنِعُ بِهَا فَلَا يَغِيبُ

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<sup>94</sup> See back: al-Bukhârî, *Shahîh* ..., *Kitâb al-Dzabâ'ih wa al-Shaid*, bâb *Shaid al-Qaus*, juz III, p. 328 (no. 5478).

<sup>95</sup> al-Bukhârî, *Shahîh*..., *Kitâb al-Dzabâ'ih wa al-Shaid*, bâb *mâ Jâ'a fî al-Tashyîd*, juz III, p. 330 (no. 5488); Muslim, *Shahîh*..., *Kitâb al-Shaid wa al-Dzabâ'ih*..., bâb *al-Shaid bi al-Kilâb*..., printed II, p. 232-233 (no. 1930).

<sup>96</sup> See: al-Turmudzî, *Sunan*..., *Kitâb al-Sair*, bâb *mâ Jâ'a fî Intifâ' bi Âniyah al-Musyrikîn*, juz III, p. 201 (no. 1566); al-Dârimî, *Sunan*..., *Kitâb al-Sair*, bâb *fî Syurb fî Âniyah al-Musyrikîn*, juz II, p. 162 (no. 2495). The second *Sanad* of religious leader met *sanad* of hadith history of al-Bukhârî and Haywah bin Syuraih.

<sup>97</sup> See: Abû Dâud, *Sunan*..., *Kitâb al-Shaid*, bâb *fî al-Shaid*, juz III, p. 29 (no. 2855). Al-Nasâ'î also narrated along with *matan* which is similar and adjacent. See: al-Nasâ'î, *Sunan*..., *Kitâb al-Shaid wa al-Dzabâ'ih*, bâb *Shaid al-Kalab*..., jilid IV, vol. VII, h. 191 (no. 4272). Their *Sanad* met *sanad* of the hadith history of al-Bukhârî above for Haywah bin Syuraih.



ذَلِكَ عَلَيْهِمْ<sup>98</sup>

that is فَتَسْتَمْتِعُ بِهَا فَلَا يَعْيبُ ذَلِكَ عَلَيْهِمْ, and it is happened in front of the Prophet of Muhammad pbuh. The word تَسْتَمْتِعُ means have fun or take advantage.<sup>99</sup> It can be understood that at the time, the friends are free to use the food equipments of musyrik. All of these are done without any reproach of him on their actions, as understood from a fragment of Hadith فَلَا يَعْيبُ ذَلِكَ عَلَيْهِمْ.<sup>100</sup>

Here, it seems that the history of Jâbir in the Sunan Abî Dâud, is sizable odds with history of al-Bukhârî from al-Khusyâni before. Because, this history seems not to be required by the companions in order to wash food utensils belonging to musyrik. Though, the history of al-Bukhârî, requested that the washing is a qualifying order food equipment of ahl al-kitâb so that it can be used again. This qualification is also based on a fragment of matan إِنَّا نُجَاوِرُ أَهْلَ الْكِتَابِ وَهُمْ يَطْبَخُونَ فِي قُدُورِهِمْ الْخَنْزِيرَ وَيَشْرَبُونَ فِي آيَاتِهِمُ الْخَمْرَ in the other histories of Abû Dâud, and from al-Khusyâni,<sup>101</sup> but this is indicated dha'if.<sup>102</sup>

<sup>98</sup>The hadiths are: 1. Jâbir. 2. Athâ bin Abî Rabâh (w. 114 H), *tsiqah*, *faqîh* but it has many *mursal* of hadith. 3. Burd bin Sinân (w. 135 H), *shadûq rumiya bil qadar*. 4. Abû Muḥammad `Abd al-A`lâ bin `Abd al-A`lâ (w. 189), *tsiqah* and Ibn `Ulayyah has *tsiqah*. 5. `Utsman bin Abî Syaibah, *tsiqah lahu awhâm*. 6. Abû Dâud. See: Abû Ḥajjâj Yûsuf bin Zaki al-Mizzî (w. 742 H), *Tahdzîb al-Kamâl*, quoted by Basyâr Awâd Ma`rûf (Beirut: Muassasah al-Risâlah, 1980), juz IV, p. 43-46, juz XVI, p. 359-362, juz XX, p. 69-85; Ibn Ḥajar, *Tahdzîb al-Tahdzîb* (Beirut: Dâr al-Fikir, 1995), juz I, p. 447-449, juz V, p. 6, 567-570; *Taqrîb Tahdzîb*, (Beirut: Dar al-Fikir, 1995), juz I, p. 67, 324, 401. Ibn Ḥanbal and al-Baihaqî are also telling about the history of hadith. *Sanad* Ibn Ḥanbal met *sanad* Abû Dâud for `Abd al-A`lâ. *Sanad* al-Baihaqî through Abû Dâud and others. See: Ibn Ḥanbal, *Musnad...*, *min Musnad Jâbir bin `Abdillah*, printed III, p. 379; Aḥmad bin Husein Abû Bakar al-Baihaqî (w. 458 H), *Sunan al-Kubrâ li al-Baihaqi*, quoted by Mustafa Abd Qâdir al-Athâ (Mekkah: Maktabah Dâr al-Bâz, 1994), *Kitâb al-Thahârah, bâb al-Tathahhur fî Awânî al-Musyrikîn...*, juz I, p. 32.

<sup>99</sup>Ibn al-Atsîr, *al-Nihâyah...*, juz IV, h. 292; Ibrâhîm Anîs, *al-Wasîth...*, juz II, p. 852.

<sup>100</sup>Abû Dâud, *Sunan...*, *Kitâb al-Ath`imah, bâb al-Akl fî Âniyah...*, juz III, p. 377 (no. 3838).

<sup>101</sup>See: Abû Dâud, *Sunan...*, *Kitâb al-Ath`imah, bâb al-Akl fî Âniyah Ahl al-Kitâb*, juz III, p. 377 (no. 3839). The writer of this Abû Dâud hadith was namely: 1, Abû Tsa`labah. 2, Abî `Ubaidillah Muslim bin Misykam (w. ± 110-115 H), *tsiqah*. 3, `Abdullah bin al-`Alâ bin Zabr (w. 164 H), *tsiqah*. 4, Muḥammad bin Syu`aib (w. 200 H), *shadûq*. 5, Nashar bin `Ashim (w. ± 240-245 H), *layyin al-hadîth*. 6, Abû Dâud. The assessment to the writer of hadith no. 2-5, See: al-Mizzî, *al-Kamâl...*, juz XV, p. 405-

The history of Abû Dâud that is indicated *dha'îf*, has two informations: (1) Abû Tsa'labah not only lives in a country where there is a community of ahl al-kitâb, but also with their neighbors even as understood from the word *نجاور*. This means that this history make it clear in the hadith of al-Bukhârî before; (2), explain the instruction reason of the Prophet of Muhammad pbuh qualifications which uses food equipments of ahl al-kitâb. At that time, ahl al-kitâb uses their food equipments for cooking pork and as a place of liquor. Although, this hadith allows in using the food equipments of musyrik but it is not until the degree of *shahîh* (berarti *hasan*).<sup>103</sup> But using their own food equipment in history of Abû Dâud from Jâbir without any qualification, it does not like when we would use equipment which are owned by ahl al-kitâb in the history of al-Bukhârî and Abû Dâud from al-Khusyanî.

In textual understanding, this hadith is related to the using of a vessel which is owned by ahl al-kitâb based on qualifications by first washing, and after not found any other kinds of food equipments. Because they use the equipments to cook something which are forbidden on Moslems at the time.

Contextually, food equipments of ahl al-kitâb which are not used to cook something which are forbidden for Moslems, then the equipments are more feasible for us to borrow than the food equipments of ahl al-kitâb or Non-Moslems who use the equipment for the things above. 'Aun al-Ma'bûd has said, permission to use food equipment of ahl al-kitâb is qualified and the qualification is a must.<sup>104</sup>

In this same context, there may be Non-Moslems neighbors whom we know well, and they do not use food equipments for these things or they do not consume the forbidden foods in the Islamic view, because it is also forbidden

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409, juz XXV, p. 370-372, juz XXVII, p. 243-245, juz XXIX, p. 349; Ibn Hajar, *Tahdzîb...*, juz IV, p. 427-428, juz VII, p. 208-209, juz VIII, p. 162-163, 492; *Taqrîb...*, juz I, p. 305, juz II, p. 523, 583, 621. With *matan* which has similar and closer, the hadiths are also included in: Abû Qâsim Sulaimân bin Aḥmad (w. 360 H), *Mu'jam al-Kabîr*, quoted by Ḥamdi bin 'Abd Majîd al-Salafîy (Moushol: Maktabah al-'Ulûm wa al-Ḥikam, 1983), *mâ Usnida Abû Tsa'labah*, juz XXII, p. 219; al-Baihaqî, *al-Kubrâ...*, *Kitâb al-Thahârah*, *bâb al-Tathahhur fî Awânihim ba'da...*, juz I, p. 33. *Sanad* al-Baihaqî continues through Abû Dâud sampai Abû Tsa'labah. Actually, *sanad* al-Thabarânî met *sanad* hadith of the history of Abû Dâud as 'Abdullah bin al-'Alâ bin Zabir.

<sup>102</sup>Indicator of *dha'îf* because of Nashar, but the meaning is reinforced by the narratives of al-Bukhârî, Moslems and others about it from Abû Tsa'labah al-Khusyanî.

<sup>103</sup>Assessment of the authors is based on an assessment of the narrators in the *sanad* of hadith.

<sup>104</sup>Abû Thaiyyib; Muḥammad Syams al-Haq al-Adzîm Âbâdi, 'Aun al-Ma'bûd, (Beirut: Dâr al-Kutub al-'Ilmiyyah, 1985), juz X, p. 224.

for them. Of course, we are more feasible to use their equipments, for example, if we implement a celebration than we have to borrow from far away, even if we are Moslem brothers. On the other hands, if Non- Moslems he deliberately uses their food equipments for the things mentioned above. The author is inclined not to use, but it is difficult for us to obtain other food equipments.

The arguments which are relating to the slaughter and food equipments of non-Moslems above, this means that Moslems are generally allowed to eat the slaughter of ahl al-kitâb based on physical reality. Moslems are allowed using their food equipments. Both of these licenses can also canceled the license, if the qualifications are associated with two problems above, and not fulfilled.

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